

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

UNITED STATES OF AMERICA)	CR 218-014
)	
v.)	
)	
JESSICA TABUTEAU)	
)	

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE AS TO
DEFENDANT JESSICA TABUTEAU**

Comes now the United States of America, by and through Bobby L. Christine, United States Attorney for the Southern District of Georgia, and respectfully moves, pursuant to U.S.S.G. § 5K1.1, for a downward departure from the applicable sentencing guideline range for defendant Jessica Tabuteau, based upon her substantial assistance to the government in the investigation and prosecution of other persons.

BACKGROUND

1. On March 7, 2018, the grand jury returned a 36-count indictment against Jessica Tabuteau and 15 codefendants. Tabuteau is named in Counts 1 and 29 of the Indictment.

2. Count 1 charges that Tabuteau committed the offense of conspiracy to possess with intent to distribute, and to distribute, 5 kilograms or more of cocaine, a quantity of cocaine base, and a quantity of marihuana, in violation of 21 U.S.C. § 846.

3. Count 29 charges that Tabuteau and three of her codefendants committed the offense of possession with intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

4. On September 28, 2018, Tabuteau pled guilty to conspiracy to possess with intent to distribute, and to distribute, a quantity of cocaine, in violation of 21 U.S.C. § 846, a lesser included offense of Count 1 of the Indictment. As part of her plea agreement, Defendant agreed to cooperate with the government, providing full, complete, candid, and truthful cooperation in the investigation and prosecution of the offenses charged in the Indictment and any related offenses.

5. The government represents, and will more fully develop at sentencing, that the assistance of the defendant in the investigation and prosecution of others constitutes “substantial assistance” as contemplated by U.S.S.G. 5K1.1. Therefore, by the filing of this downward departure motion pursuant to U.S.S.G. § 5K1.1, the Court is authorized to impose a sentence below the advisory guideline sentencing range.

6. Tabuteau cooperated early in the investigation in this case and provided the government with important information on several indicted co-conspirators. The information she provided directly led to the prosecution of these co-conspirators. Tabuteau met with agents and prosecutors on numerous occasions to assist with the investigation, both before and after the Indictment was returned. She testified at trial in this case and provided a full and truthful account of the nature of the conspiracy, her role in it, and the role of other conspirators.

7. Based on Defendant's assistance, the government submits that Defendant Tabuteau provided substantial assistance and that her cooperation warrants a sentence below the sentencing guidelines. The government characterizes the overall scope and quality of Defendant Tabuteau's cooperation as Significant.¹

CITATION OF AUTHORITY

Section 5K1.1 of the United States Sentencing Guidelines provides that:

Upon motion of the government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the guidelines.

(a) The appropriate reduction shall be determined by the court for reasons stated that may include, but are not limited to, consideration of the following:

(1) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered;

(2) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant;

(3) the nature and extent of the defendant's assistance;

(4) any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance;

(5) the timeliness of the defendant's assistance.

¹ Using this scale: Exceptional, Very Significant, Significant, Moderate, and Minimal.

WHEREFORE, the government respectfully requests that this Court depart downward as the Court deems appropriate in imposing sentence on the aforementioned defendant.

Respectfully submitted,

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Matthew A. Josephson
Assistant United States Attorney
Georgia Bar No. 367216

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney certifies that a copy of this Motion has been delivered to the defendant's attorney on this 7th day of March 2019.

Respectfully submitted,

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Matthew A. Josephson

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